

MATTER OF BARRAGAN

In Deportation Proceedings

A-19883045

Decided by Special Inquiry Officer April 22, 1971

Decided by Board September 13, 1971

The departures of respondent, an alien illegally in the United States, to Mexico on February 2, 1968, and April 3, 1970, pursuant to an administrative grant on each occasion of voluntary departure without the institution of deportation proceedings, were meaningful, rather than casual departures, despite her intent to return and actual return to the United States on the same day or within a short time thereafter. Therefore, the relatively brief periods of her absence from this country broke the continuity of her physical presence in the United States for the purpose of qualifying for suspension of deportation under section 244(a)(1) of the Immigration and Nationality Act, as amended.

CHARGE:

Order: Act of 1952—Section 241(a)(2) [8 U.S.C. 1251(a)(2)]—Nonimmigrant visitor—remained longer.

ON BEHALF OF RESPONDENT:

Otto F. Swanson, Esquire
356 South Broadway
Los Angeles, California 90013
(Brief filed)

ON BEHALF OF SERVICE:

Reece B. Robertson
Trial Attorney

BEFORE THE SPECIAL INQUIRY OFFICER

(April 22, 1971)

The respondent is a 36-year-old widow. As alleged in the order to show cause she admitted through counsel that she is a native and citizen of Mexico; that she entered the United States at San Ysidro, California in April 1970; that she was admitted as a non-immigrant visitor and authorized to remain in the United States for a temporary period not to exceed 15 days, and that she has not departed from the United States. The respondent further con-